

## **REMARKS**

This amendment is in response to the Office Action dated March 31, 2009. Because this response is mailed on June 2, 2009, the amendment is timely filed.

### **I. Status of the Amendments**

Prior to this amendment, claims 1-10 were pending. By this amendment, claims 1 and 10 have been amended. Consequently, claims 1-10 remain pending.

Support for the amendments to claims 1 and 10 may be found, for example at paragraph [0037] of the corresponding published application U.S. Publ. No. 2006/0054173.

### **II. Response to the March 31 Office Action**

Claims 1-10 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Oesterling et al. (U.S. Patent No. 5,135,008) in view of Draghetti et al. (U.S. Patent No. 5,474,091). Applicants have amended claims 1 and 10, and respectfully disagree.

Independent claims 1 and 10 have been amended to recite that the first articles are subjected to a pitch reduction as the travel along a first portion of a path or as they are transferred from the first portion of the path to a second portion, in any event before interposing a double filter between the portions formed by cutting the first articles at a cutting station. Amended independent claims 1 and 10 thus recite, *inter part*, subjecting the first articles, as they travel along the first portion or as they are transferred from the first portion to a second portion and thus before interposing a double filter between the portions in each said pair, to a pitch reduction to assume a second pitch shorter than the first pitch and of a length approximately equal to but no less than the length of the relative strip. Stated slightly differently, the reduction of the pitch is performed as the articles are transferred to the drum to which the double filters are fed (as the articles are transferred from the first portion S1 to the second portion S2) or upstream from the drum to which the double filters are fed (as the articles travel along the first portion S1). In doing so, by supplying both double filters and

strips with the shorter pitch, the claimed subject matter solves the solves the technical problem presented in the specification: supplying the double filters at a slower speed.

This feature is not shown in Draghetti et al. According to the first embodiment of Draghetti et al. illustrated in Figs. 1 and 2, there is no pitch reduction along the path of the articles. According to the second embodiment of Draghetti et al. illustrated in Fig. 3, a reduction in pitch occurs, not as of input roller (5) of machine (4), but only as of roller (26). Groups (25) are advanced with a wider spacing (P2), e.g. the standard spacing of 37.7 mm, along the initial portion of machine (4) (corresponding to first portion S1 recited in claims 1 and 10) as far as roller (20), and the spacing of groups (25) is reduced from (P2) to (P1) at a transfer station (40) at which groups (25) are transferred from roller (20) to roller (26). Draghetti et al., Col. 4:31-40. In other words, Draghetti et al. does not suggest to perform the reduction of the pitch along the first portion S1, i.e. as the articles are transferred to the drum to which the double filters are fed (as the articles are transferred from the first portion S1 to the second portion S2) or upstream from the drum to which the double filters are fed (as the articles travel along the first portion S1). The transfer in Draghetti et al. instead falls along the second portion S2 of path B as explained in the instant application; as such, the double filters in Draghetti et al. have to be supplied *with the longer pitch (thus at a higher speed)*.

Draghetti et al. does make observations similar to the instant application regarding rolling speed, but they do so while addressing *only the issue of reducing rolling speed*. That is, Draghetti et al. states that, for a given output capacity of the filter assembly machine, rolling speed is known to depend directly on the spacing with which the succession of groups is fed to the rolling station, and that the rolling action to which the groups are subjected to form the double cigarettes is known to be a highly critical phase, in that rolling at speeds above a given maximum may result in tobacco spill from the open ends of the two cigarette portions. Draghetti et al., Col. 1:28-37. Draghetti et al. then proposes to solve this problem by performing a reduction of the pitch *immediately upstream from the rolling drum* (i.e. as the articles travel along the second portion S2 as identified in claim 1 of the application in object).

By contrast, the present application recognizes the issue of rolling speed, but then moves on to solve *the problem of reducing the feeding speed of the double filters*. The

solution to this problem is comes through an appreciation of the reduction of the pitch recited in claims 1 and 10: by making the pitch reduction from (P1) to (P2) upstream from the station (28) loading double filters (21), both the double filters (21) and strips (33) can be supplied with the shorter pitch (P2) and therefore at a slower speed. Draghetti et al. is completely silent as to the problem, and is thus silent regarding applicant's solution, or frankly about attempting any different position for the pitch reduction illustrated in Fig. 3. Simply stated, the present invention solves a new technical problem (the reduction of the feeding speed of the double filters) that was not been identified in Draghetti et al.

As a consequence, Oesterling et al. modified in view of Draghetti et al. would result in a machine of the type disclosed in Oesterling et al. and in which a reduction of the pitch is performed in the position disclosed in Draghetti et al.: immediately upstream from the rolling drum (i.e. as the articles travel along the second portion S2 as identified in the instant application). To modify Oesterling et al. as suggested, one of ordinary skill in the art would have to disregard the statements in Draghetti et al. to reduce the pitch immediately upstream from the rolling drum, as a consequence of which is that the double filters will have to be supplied with the longer pitch (thus at a higher speed). There would be no suggestion to discard these teachings without using applicants own disclosure as a template, and no such suggestion can be found in the references in any event. "To establish prima face obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP § 2143.03. Accordingly, independent claims 1 and 10 are patentable in view of the cited references.

As to claims 2-9, these claims depend, either directly or indirectly, from claim 1. Because claim 1 is novel and patentable relative to the cited references, the remaining claims are novel and patentable for at least this reason. However, applicants submit that the details recited in the remaining claims may also provide a basis for allowance of the claims.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director is hereby

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authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 20022/40764.

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Respectfully submitted,

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